SINGLE BENCH (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 1196 /2006

PETITIONER : Ramlochan Pandey
aged about 65 years,
S/o Late Shri K.P. Pandey
R/o. Village-Beltukari
Post Office- Ganiyari
Tahsil - Takhatpur, District
Bilaspur (C.G.)

R.R. No. 1260/06
Presented by Ashok Sharma
dated 21.12.06

VERSUS

RESPONDENTS :
1. State of Chhattisgarh
Through : Secretary
School Education Department
D.K.S. Bhawan, Raipur (C.G.)
2. Accountant General of Chhattisgarh
Pandari Raipur, Dist. Raipur
(C.G.)
3. District Education Officer
Bilaspur (C.G.)
4. Block Education Officer
Takhatpur, District Bilaspur
(C.G.)

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शपथ आयुक्त,
एवं आर लोधिया
बिलासपुर

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

PETITIONER

XI-HC-78

(69)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1196/06 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4-5-2006

Shri Ashok Swarnakar, counsel for the petitioner.

Shri Prashant Mishra, Additional Advocate General with Shri Satish Gupta, Dy. Govt. Advocate for the State.

Heard.

By this petition under Article 226/227 of the Constitution of India, it is submitted that the petitioner retired on 31-7-2003 and for final payment of GPF amount the Accountant General Office as per Annexure-P/1 dated 31-12-2004 issued authorization letter in the name of the respondent No.4/Block Education Officer, Takhatpur, but the amount was not drawn by the respondent No.4 inspite of various applications and representations made by the petitioner. It is submitted that the petitioner submitted so many representations before the concerned authorities for his retiral dues, which is apparent from Annexure-P/7A. During the period, the petitioner became ill and he was admitted in the hospital where the Doctors advised him to undergo hernia operation, but the operation could not be performed for want of funds, which is evident from Annexure-P/4.

It is settled principle of law that an employee must get all the retiral dues e.g. Pension, Gratuity, GIS, Family Welfare Benefits, Leave Encashment, Arrears of Pay, Fixation etc. immediately after his retirement. He should be paid GPF which is his amount immediately and there should be no delay at all.

The Hon'ble Supreme Court dealt with the similar matter in the cases of ***State of Kerala and others vs. M. Padmanabhan Nair*** reported in ***AIR 1985 SC 356*** and ***Vijay L. Mehrotra vs. State of U.P. and others*** reported in ***(2001) 9 SCC 687***.

In the case of ***Vijay L. Mehrotra*** (supra) the Hon'ble Supreme Court held that in case of an employee retiring after having rendered services, it is expected that all the payments of the retiral benefits should be paid on the date

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 1196/06 सन् **200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of retirement or soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement. The person is also entitled for interest and in that case an interest at the rate of 18% was given.

This Court has passed detailed orders from time to time. In M.C.C.No. 25/2005 (arising out of W.P.No.1372/2003 ***Smt. Sahodra Bai vs. State of Chhattisgarh & Others***) and in W.P.No.1393/2004 this Court has passed an order dated 3-2-2006. The case in hand the petitioner had been given the authorization letter but the original was not sent, therefore, he could not draw the retiral benefits. The petitioner has submitted so many representations before the concerned authorities, the details of the same are given below :

S.No.	Date	To whom application is made
1.	29-1-2005	Block Education Officer, Takhatpur
2.	3-2-2005	Block Education Officer, Takhatpur
3.	17-5-2005	Block Education Officer, Takhatpur
4.	7-6-2005	Additional Collector, Bilaspur
5.	7-6-2005	Block Education Officer, Takhatpur
6.	8-6-2005	Sub Divisional Officer, Kota
7.	27-6-2005	District Education Officer, Bilaspur
8.	4-7-2005	District Education Officer, Bilaspur
9.	28-7-2005	District Education Officer, Bilaspur
10.	31-8-2005	Additional Collector, Bilaspur
11.	8-9-2005	District Education Officer, Bilaspur
12.	24-10-2005	Sr. Accounts Officer, O/o Accountant General, Raipur
13.	10-10-2005	Legal Aid Officer, Bilaspur.
14.	23-10-2005	Pension Adalat.
15.	10-12-2005	Pension Adalat.
16.	23-11-2005	Collector, Bilaspur
17.	24-11-2005	Block Education Officer, Takhatpur
18.	29-11-2005	District Education Officer, Bilaspur
19.	10-1-2006	Collector, Bilaspur
20.	10-1-2006	District Education Officer, Bilaspur

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP 1196/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

During the aforesaid period the petitioner fell ill and he could not even get himself operated as advised by the Doctors. *Prima facie*, a case has been made out needing a probe.

Shri R.R. Yadav, Block Education Officer, Takhatpur, informed that he had personally visited the office of the Accountant General and thereafter the authorization letter dated 28-2-2006 was issued. He also submitted that during pendency of this petition, on 25-3-2006 a cheque has been issued and deposited in the petitioner's account bearing No.2308 of Central Bank, Takhatpur.

Learned counsel for the petitioner pointed out that the authorization letter was issued on 31-12-2004 but till 28-2-2006 i.e. till issuance of another authorization letter, the amount could not be paid for one reason or the other without any fault being attributed to the petitioner.

In view of the submission made by learned counsel for the petitioner and keeping in view the law laid down by the Hon'ble Supreme Court in the cases of ***State of Kerala*** (supra) and ***Vijay L. Mehrotra*** (supra), the petitioner is entitled to interest at the rate of 6% per annum for the period from 31-12-2004 to 28-2-2006.

Before parting, ends of justice will be served if a direction is given to the concerned authorities to conduct an enquiry with regard to delay in making the payment to the petitioner and the same be completed within a period of six weeks from the date of receipt/production of a copy of this order and enquiry report be submitted to the Registrar (Judicial) of this Court for perusal.

Accordingly, the petition is allowed with costs.

Counsel fee Rs.1000/-, if certified.

Copy to State counsel.

Sd/-
Fakhruddin
Judge

Gowri